

## JUN 2 2004

## In the United States Patent & Trademark Office

In Re Patent Application of:

Siani, M.A. et al.

Serial No.:

09/144,838

Filed:

August 31, 1998

For:

Modular Protein Libraries and

**Methods of Preparation** 

Examiner: Celsa, B.M.

Art Unit:

1639

Atty. Dkt.:

3504.183 GRFN 020/01-US

## **Notice of Appeal**

Honorable Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Sir:

Applicants respectfully Appeal to the Board of Appeals and Patent Interferences from the Final Rejection of the Examiner rejecting claims 28-29, 31, 32, 36 and 52-81.

The Fee of \$330.00 for such Notice of Appeal under 37 C.F.R. 1.17(b) is enclosed. Applicants respectfully submit that no additional fee is required for consideration of this submission. Should that determination be incorrect, the Director is authorized to debit account 50-0548, and notify Applicants.

Date: \_

Liniak, Berenato & White, LLC 6550 Rock Spring Drive, Suite 240

Bethesda, MD 20817

Tel: (301) 896-0600 / Fax: (301) 896-0607

Respectfully Submitted,

Jeffrey I. Auerbach Reg. No. 32,680

Attorney for Assignee

ns are required to res Under the Paperwork Reduction Act of 1995,

PTO/SB/17 MO-03

Approved for use through 07/31/2006. OMB 0651-0032
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o a collection of information unless it displays a valid OMB control number.

FEE	TR	AN	SMIT	TAL
	for	FY	2004	

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

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(\$)	330.	UU.

Compl te if Known						
Application Number	09/144,838					
Filing Date	August 31, 1998	200				
First Named Inventor	Siani, M.A.	JUN .				
Examiner Name	Celsa, B.M.					
Art Unit	1639	TECH CENTER!				
Attorney Docket No.	3504.183	100				

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
✓ Check Credit card Money Other None		3. ADDITIONAL FEES				
Order U			Small	Entity		
✓ Deposit Count:  Deposit Count:				Fee (\$)	Fee Description	Fee Paid
Account   50-0548	Code 1051	130	2051	• • •	Surcharge - late filing fee or oath	ree Falu
Number Deposit Use at Deposit Property 2 Number	1052	50	2052		Surcharge - late provisional filing fee or	
Account Name Liniak, Berenato & White	1053				cover sheet	
The Director is authorized to: (check all that apply)		130	1053		Non-English specification  For filing a request for ex parte reexamination	
Charge fee(s) indicated below Credit any overpayments		2,520	1812 2 1804	-,	Requesting publication of SIR prior to	
Charge any additional fee(s) or any underpayment of fee(s)		920*	1004	920	Examiner action	
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month	
Large Entity Small Entity	1253	950	2253	475	Extension for reply within third month	
Fee Fee Fee Fee Fee Paid Code (\$) Code (\$)	1254	1,480	2254	740	Extension for reply within fourth month	
1001 770 2001 385 Utility filing fee	1255	2,010	2255	1,005	Extension for reply within fifth month	
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of Appeal	330.00
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief in support of an appeal	
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) (\$)	1452	110	2452	55	Petition to revive - unavoidable	
	1453	1,330	2453	665	Petition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1301	1,330	2501	665	Utility issue fee (or reissue)	
Extra Claims below Fee Paid	1502	480	2502		Design issue fee	
Total Claims 20** = X = I	1503	640	2503		Plant issue fee	ļ
Claims Multiple Dependent	1460 1807	130	1460		Petitions to the Commissioner	<b></b>
		50	1807		Processing fee under 37 CFR 1.17(q)	
Large Entity   Small Entity Fee Fee   Fee Fee Fee Description	1806	180	1806		Submission of Information Disclosure Stmt	$\vdash$
Code (\$) Code (\$)	8021	40	802	1 40	Recording each patent assignment per property (times number of properties)	
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	9 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	5 For each additional invention to be examined (37 CFR 1.129(b))	
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801	385	5 Request for Continued Examination (RCE)	
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802		1802		,	
		r fee (s	pecify) _		·	
SUBTOTAL (2) (\$)	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)					
**or number previously paid, if greater; For Reissues, see above						

(Complete (if applicable)) Registration No. Telephone 301-896-0600 32,680 Name (Print/Type) Jefferey Auerbach Date Signature

WARNING: Information n this form may become public. Cr dit card information should not b included on this form. Provide cr dit card information and auth rization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.